

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 1971 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed : NO  
to see the judgement?
  2. To be referred to the Reporter or not? : NO
  3. Whether Their Lordships wish to see the fair copy : NO  
of the judgement?
  4. Whether this case involves a substantial question : NO  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge? : NO

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KHETIWADI UTPANNA BAZAR SAMITI

Versus

VORA NOORMOHMAD ISMAILBHAI  
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Appearance:

MR AJ PATEL for Petitioner

MR DC DAVE for Respondent No. 1, 2, 3, 4, 5, 6,  
7, 8, 9  
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CORAM : MR.JUSTICE P.B.MAJMUDAR

Date of decision: 01/12/2000

ORAL JUDGEMENT

The petitioner is the original plaintiff of Regular Civil Suit No.193 of 1995 which is pending in the Court of Joint Civil Judge (J.D.), Anand. In the said suit, applications for interim relief Exhibits 5, 24, and

35 were filed. The trial court rejected the application Exhibit 5. However, he allowed applications Exhibits 24 and 35. Against the order below Exhibit 5, the present petitioner herein preferred an appeal, being Civil Miscellaneous Appeal No.166 of 1995. The aforesaid appeal was heard by the Third Extra Assistant Judge, Kheda at Nadiad, who, ultimately, dismissed the same. The original plaintiff has preferred this Revision Application by invoking the jurisdiction of this Court under Section 115 of CPC.

This Court issued notice and, ultimately, on 4.4.1997, granted interim relief to the effect that the respondents are restrained by injunction from operating in the market area or any part thereof except after obtaining licence under the Gujarat Agricultural Produce Markets Committee Act, 1963. It was also clarified that it will be open to the respondents to apply for and obtain such licence, without prejudice to their rights and contentions in the suit as also in Special Civil Application No.377 of 1995, and without any admission of their liability or obligation to obtain such licence in law. It was further clarified that all the consequences flowing from the respondents having applied for and obtained such a licence as aforesaid, shall be subject to the interim relief granted in Special Civil Application No.377 of 1995, if any.

Today, at the time of hearing, both the Advocates agree that since this interim order is in force since 1997, this revision may be disposed of by confirming the aforesaid order as interim order till the suit is decided finally one way or the other.

In view of the consensus between the parties, this Revision Application is allowed and interim relief granted by this Court on 4.4.1997 shall continue during the pendency of Regular Civil Suit No.193 of 1995 pending before the Joint Civil Judge (J.D.), Anand. Disposal of the said suit is expedited. Rule is made absolute to the aforesaid extent with no order as to costs.

1st December, 2000 ( P.B. Majmudar, J. )

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(apj)